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# OXFORD

# UNIVERSITY COMMISSION.

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## MR. PURTON COOPER'S

# LETTER

TO THE

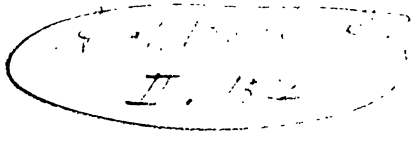
## DUKE OF WELLINGTON,

CHANCELLOR OF THE UNIVERSITY.

[SIX COPIES ONLY PRINTED.]

LONDON.

MARCH, MDCCCLI.



LONDON:
STEVENS AND CO., PRINTERS, BELL YARD,
TEMPLE BAR.

# LETTER, &c.

12, New Square, Lincoln's Inn,
*March* 21*st*, 1851.

My Lord Duke,

It was not until yesterday that I became aware that an opinion had been obtained by the University of Oxford to the effect that the Commission of Inquiry under the Queen's Sign Manual is not constitutional, or legal, or such as the University or its members are bound to obey; and that the Commission cannot be supported by any authority of the Crown, either as Visitor, or under any Prerogative, or other right.

Now I have been a member of the University of Oxford forty years; I have been a member of the Bar thirty-five years, and I am known during almost all that time to have studied those parts of the Constitution and Law of this country, mostly of an ancient date, more particularly relating to the questions in respect of which the opinion was sought. I have, moreover, been King and Queen's Counsel fourteen years—always in practice, although somewhat careless of the extent of it, but still always in practice—in daily attendance on the Court.

In this position then and with these pursuits, I have read the case upon which the above-mentioned opinion is founded, and also the authorities to which the opinion refers, and considered the reasons put forward; and it is certainly with no reluctance, no unwillingness (for in such circumstances I should be very sorry did the Crown not possess the extent of Prerogative assumed by the

Commission) that I state my total dissent from the conclusions at which the Counsel consulted by the University have arrived.

Of course the grounds of that dissent cannot be detailed in a letter, the object of which is simply to communicate to your Grace, that such dissent exists in the mind of an individual who, whatever may be his power of discrimination—as to which it would ill become him to speak—nevertheless may safely affirm that, from his peculiar pursuits, he has materials for forming a judgment equal to, nay greater than, any possessed by those with whom public bodies, or individuals, are in the habit of advising upon such, somewhat recondite, matters.

An occasion will, however, not improbably arise, and at no very distant period, of supplying the above unavoidable defect in this letter, and I will then show—what I am sure will afford much satisfaction and delight to all University men, from the Doctor to the Undergraduate, and to none more than those for the satisfaction of whose scruples (so fine and delicate in their structure that the perception and appreciation of them is no easy thing) the aforesaid opinion has been taken—I will, I say, show that the Commission is constitutional—that it is legal—that it is such as the University and its members are bound to obey—and that there is abundant authority of the Crown by which the Commission can be supported.

I am, my Lord Duke, &c.,

CHARLES PURTON COOPER.

*The Duke of Wellington,*
*Chancellor of the University of Oxford,*
*&c. &c. &c.*

## IN THE PRESS.

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REFORMATION of our UNIVERSITIES, being Part of a Commonwealth MS. Edited by CHARLES PURTON COOPER, Esq., A.M. Oxford, LL.D. Louvain and Kiel.

"All the cares of our Lawgivers, however pious, noble, and worthy, will be found neither intense nor large enough, if this one great consideration be remitted—*the most effectual advancement, not the bare permissive propagation, of learning.* This must diffuse itself through all their cares and knit them together—nay, bestow on them both form and vigour."—*MS. 17th Century.*

"That God, who is Abstract Wisdome and delights that his rationall creatures should search after it, will expect that you who are Lawgivers should be foster-fathers of knowledge. He may punish your naturall children with stupidity or ignorance, if you doe not take the day, while it is yours, to lead them into the paths and mazes of science. And will He, think you, forgive you,—you being fathers of the publicke weale,—if you forget those that are your children in that relation? He cannot surely; He that is just will expect from you the discharge of your duties, which how it can be without a complete taking care of your charges, your selves can best consider. But certainly it is none of the probablest wayes, to bring a people into a shape of liberty and free their estates from some burdens, and leave the better part of them, their mindes, no more enlightened, no more tutoured, no more burnished, than you at first found them."—*Ibid.*

"A great cause of the decay of learning is the bad method which is followed in our Universities; and the insufficiency of those persons who are provided for the government of them. * * * We allow too much time upon old antiquated metaphysical jargon. * * * As for natural philosophy, which, in this and the last age, has been so happily brought from an idle

prattling about words of no signification to a solid science, it requires such a deep insight into the most profound parts of the mathematicks, that few of those, who profess it, are capable of teaching it. * * * We get too hastily through our divinity. * * * History, law, and medicine, we have none."—*Extract from old Pamphlet, beginning of last Century.*

London: Stevens & Co., Printers, Bell Yard, Temple Bar.